

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

Mailed: March 21, 2018

Opposition No. 91230042

*Provide Commerce, Inc.*

*v.*

*Edible IP, LLC<sup>1</sup>*

**Rochelle Adams, Paralegal Specialist:**

Opposer's consented motion, filed March 14, 2018, to suspend this proceeding is granted. The Board finds that the parties have complied with the Board's previous requirement and has shown good cause.

As a final matter, the parties are hereby reminded that in the event that either party files a motion to extend or suspend any of these dates, they remain under obligation to support any such motion with a detailed report of the reasons therefor, including details of the settlement efforts, if any.

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<sup>1</sup> The Board notes the assignment with respect to the Defendant and the Board records have been updated to reflect the change of name to Edible IP, LLC. It was recorded under Reel/Frame: 6274/0486.

Because the parties are negotiating for a possible settlement of this case, proceedings are suspended, subject to the right of either party to request resumption at any time.<sup>2</sup> *See* Trademark Rule 2.117(c), and 2.127(a); and TBMP § 605.02).

If, during the suspension period, either of the parties or their attorneys have a change of address or email address, the Board should be so informed. *See* Trademark Rule 2.18(b)(1).

In the event that there is no word from either party concerning the progress of their negotiations, upon conclusion of the suspension period, proceedings shall resume without further notice or order from the Board, upon the schedule set forth below.

Expert Disclosures Due	5/7/2018
Discovery Closes	6/6/2018
Plaintiff's Pretrial Disclosures Due	7/21/2018
Plaintiff's 30-day Trial Period Ends	9/4/2018
Defendant's Pretrial Disclosures Due	9/19/2018
Defendant's 30-day Trial Period Ends	11/3/2018
Plaintiff's Rebuttal Disclosures Due	11/18/2018
Plaintiff's 15-day Rebuttal Period Ends	12/18/2018
Plaintiff's Opening Brief Due	2/16/2019
Defendant's Brief Due	3/18/2019
Plaintiff's Reply Brief Due	4/2/2019
Request for Oral Hearing (optional) Due	4/12/2019

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<sup>2</sup> The parties should note that if proceedings are suspended for a lengthy period of time pursuant to the filing of several motions to suspend for settlement, the Board retains discretion to condition the approval of any future consented or stipulated motion to suspend on a party or the parties providing necessary information about the status of settlement talks, discovery activities, or trial activities, as may be appropriate. *See* Trademark Rule 2.117(c).

Generally, the Federal Rules of Evidence apply to Board trials. Trial testimony is taken and introduced out of the presence of the Board during the assigned testimony periods. The parties may stipulate to a wide variety of matters, and many requirements relevant to the trial phase of Board proceedings are set forth in Trademark Rules 2.121 through 2.125. These include pretrial disclosures, the manner and timing of taking testimony, matters in evidence, and the procedures for submitting and serving testimony and other evidence, including affidavits, declarations, deposition transcripts and stipulated evidence. Trial briefs shall be submitted in accordance with Trademark Rules 2.128(a) and (b). Oral argument at final hearing will be scheduled only upon the timely submission of a separate notice as allowed by Trademark Rule 2.129(a).